

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:13-CT-3139-FL

CASEY RAFAEL TYLER,

Plaintiff,

v.

KENNETH LASSITER and  
VAN MCCULLOUGH,

Defendants.

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ORDER

The matter is before the court on plaintiff's unopposed motion to admit evidence (DE 15) motions to compel discovery (DE 22, 23, 26), and motions for entry of default (DE 24, 25). In this posture, the issues raised are ripe for determination.

The court begins with plaintiff's motion to admit as evidence a copy of the North Carolina Department of Public Safety's "Special Management Meals" policy. The appropriate time for plaintiff to submit evidence in support of his action is in support or defense of a properly filed motion for summary judgment. Accordingly, plaintiff's motions to admit evidence is DENIED. Plaintiff is cautioned that unnecessary filings hinder rather than assist the court, and plaintiff is discouraged from engaging in such conduct.

The court now turns to plaintiff's three motions to compel discovery and two motions for entry of default. The court's docket reflects that the United States Marshal still is in the process of serving defendants. See Puett v. Blanford, 912 F.2d 270, 275 (9th Cir. 1990) (stating that an incarcerated *pro se* plaintiff, proceeding *in forma pauperis*, is entitled to rely on the United States

Marshal for service of summons and complaint); Oxendine-Bey v. Bertie Correctional Inst., No. 5:10-CT-3140-FL, 2011 WL 2413836, at \*1 (E.D.N.C. June 10, 2011). Because defendants have not yet been served with a copy of the summons and complaint, plaintiff's motions are DENIED as premature.

In summary, plaintiff's motion to admit evidence (DE 15) is DENIED and his remaining motions (DE 22, 23, 24, 25, 26) are DENIED as premature.

SO ORDERED, this the 8th day of April, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first name "Louise" is written with a large, ornate capital "L". The last name "Flanagan" is written with a capital "F" and a trailing flourish.

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LOUISE W. FLANAGAN  
United States District Judge